



## **ORDINANCE NO. 14-009**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING CHAPTER 30, TRAFFIC AND VEHICLES, ARTICLE II, TRAFFIC-CONTROL REGULATIONS, DIVISION 5, PARKING, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS, BY ADDING A NEW SECTION 30-117, TO BE ENTITLED "RESTRICTED PARKING—7:00 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY," FOR THE PURPOSE OF ESTABLISHING A PERMIT PARKING PROCESS ALLOWING FOR RESTRICTED PARKING ON RESIDENTIAL STREETS.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, THAT:**

**Section 1.** *Chapter 30, Traffic and Vehicles, Article II, Traffic-Control Regulations, Division 5, Parking, of the Code of Ordinances of the City of Bellaire, Texas ("Code"), is hereby amended by adding a new Section 30-117, to be entitled "Restricted parking—7:00 a.m. to 5:00 p.m.—Monday through Friday," for the purpose of establishing a permit parking process to allow for restricted parking on residential streets. The amended Code shall read as set out in Appendix A, attached hereto. All other portions of Chapter 30 of the City's Code not specifically amended hereby shall remain in full force and effect.*

**Section 2.** All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

**Section 3.** If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

**Section 4.** The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the *Texas Open Meetings Act*, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves, and confirms such notices and the contents and posting thereof.

**Section 5.** This Ordinance shall be effective as of March 17, 2014.

**PASSED** and **APPROVED** this 17<sup>th</sup> day of February, 2014.

(SEAL)

**ATTEST:**

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Tracy L. Dutton, TRMC  
City Clerk

**SIGNED:**

\_\_\_\_\_  
Philip L. Nauert  
Mayor

**APPROVED AS TO FORM:**

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Alan P. Petrov  
City Attorney

## Appendix A

### New section to be added.

Sec. 30-117. Restricted parking – 7:00 a.m. to 5:00 p.m., Monday through Friday.

- (a) It shall be unlawful for any person to park any vehicle, at any time between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, or at such other times as the city manager may declare pursuant to subsection (e) of this section, on any of the following streets or portions of streets where such streets have been posted for restricted parking.

Street	Block
Merrie Lane	4500

- (b) Subsection (a) of this section shall not apply to commercial vehicles loading or unloading or parked in connection with the performance of a service, or to governmental vehicles.

- (c) Subsection (a) of this section shall not apply to any vehicle displaying a valid parking permit for the location where it is parked.

- (1) The director of community development (the "director") shall, upon application, issue address-specific parking permits for the restricted parking area designated in subsection (a) of this section in accordance with the following terms and conditions:

- a. Upon application, the director shall issue up to five parking permits to each residence located in the restricted parking area designated in subsection (a) of this section. Such permit(s) may be issued with or without expiration dates upon regulations and procedures promulgated by the city manager.
- b. Temporary guest permits for periods not exceeding fourteen (14) days in length may be issued to each residence located in the restricted parking area designated in subsection (a) of this section in accordance with regulations and procedures promulgated by the city manager.
- c. Permits issued pursuant to this subsection shall be for the sole use and benefit of the occupants of each residence to which such permits have been issued and their invitees, and may not be transferred or sold.

- (2) It shall not be a defense to prosecution for violation of this section for a vehicle owner to have a valid parking permit but to not have displayed such permit.

- (d) The city manager is authorized to add blocks or streets to or delete a block and/or street from the restricted parking area designated in subsection (a) of this section in accordance with the following terms and conditions:

- (1) The city manager shall add blocks of streets to or delete a block and/or street from the restricted parking area designated in subsection (a) of this section upon receipt of a petition of not less than 75 percent of the property owners located on such block and/or street.
  - (2) Property owners located outside of the restricted area designated in subsection (a) of this section may elect to opt in to the restricted parking area by filing a petition with the city manager on or before February 1, 2015.
  - (3) Petitions to opt in or out of the restricted parking area designated in subsection (a) of this section submitted after March 1, 2014, petition deadline may be considered by the city manager during the one-month period on or before February 1, 2015. Petitions may continue to be filed with the city manager during the one month period on or before May 1 of each year thereafter in which this section shall remain in full force and effect.
  - (4) The city manager shall not consider a petition for the same block and/or street more than once in any consecutive 24-month period.
  - (5) Petitions deemed valid by the city manager will be implemented as soon as possible after the petition deadline periods of March 1, 2014; February 1, 2015; and February 1 thereafter of each year in which this section shall remain in full force and effect.
- (e) The city manager is further authorized to enlarge the time of the parking restriction beyond the hours specified in subsection (a) of this section.
- (f) Persons found in violation of this section shall be subject to a fine of up to \$200.00 per offense and/ or may be towed from the restricted parking area designated in subsection (a) of this section and from future areas to be designated as restricted by the city manager under the provisions included in subsection (d) of this section.